

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VERYL JEFFERSON,)	
)	
Plaintiff,)	
)	
v.)	8:16CV34
)	
44TH STREET WESTERN)	
HILLS, LLC,)	ORDER
DOUGER'S LOUNGE, and)	
DOES 1-5, INCLUSIVE,)	
)	
Defendants.)	
)	

This matter comes before the court *sua sponte* after review of the court file. The Federal Rules of Civil Procedure effective December 1, 2015, provides, "If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time." [Fed. R. Civ. P. 4\(m\)](#). The court must extend the time for service for an appropriate period upon a plaintiff's showing of good cause for the failure. [Fed. R. Civ. P. 4\(m\)](#).

The plaintiff filed a complaint on January 1, 2015, ([Filing No. 1](#)). The court granted the plaintiff's motion to for leave proceed *in forma pauperis* on January 25, 2016. ([Filing No. 4](#)). On January 27, 2016, summons were requested and issued as to defendants 44th Street Western Hills, LLC, and Douger's Lounge. ([Filing No. 7](#)). The plaintiff filed proof of service for the defendant 44th Street Western Hills, LLC, on April 12, 2016. ([Filing No. 10](#)). The defendant 44th Street Western Hills, LLC, has filed an answer. ([Filing No. 13](#)). There is no evidence that Douger's Lounge has been served and it has not made an appearance in this case. The 90-day deadline for service of process has expired. The plaintiff failed to seek an extension of the deadline to complete service on Douger's Lounge or provide an explanation for the delay. It remains the plaintiffs' duty to

go forward in prosecuting the case. Under the circumstances, the plaintiff must make a showing of good cause for the failure of timely service or the action must be dismissed against the defendant Douger's Lounge. Accordingly,

IT IS ORDERED:

The plaintiff shall have until **on or before July 5, 2016**, to file with the Clerk of Court evidence of service for Douger's Lounge or show cause why this case should not be dismissed for failure to prosecute.

DATED: June 21, 2016.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge